Minutes of the Meeting of the Arizona Game and Fish Commission Friday, April 11, 2003 – 8:00 a.m. Saturday, April 12, 2003 – 8:00 a.m. Fraternal Order of Police Lodge #2 12851 N. 19 Ave., Phoenix, Arizona

PRESENT: (Commission)

(Director's Staff)

Chairman Joe Carter Commissioner Sue Chilton Commissioner W. Hays Gilstrap Commissioner Joe Melton Commissioner Michael M. Golightly Director Duane L. Shroufe Deputy Director Steve K. Ferrell Asst. A.G. Jay Adkins Asst. A.G. Jim Odenkirk

Chairman Carter called the meeting to order at 8:02 a.m.

1. Executive Session

- a. Legal Counsel. State of Arizona v. Norton, CIV 02-0402-PHX-FJM; Montoya v. Manning, 301. F.3d 985 (9th Cir. 2002); In Re General Stream Adjudication for the Little Colorado River and Gila River; Mark Boge v. Arizona Game and Fish Commission & Shroufe, CIV 2000-020754; Mary R. LLC, et al. v. Arizona Game and Fish Commission, CIV 2001-015313, and Ameduri and Yee et al. v. U.S. Forest Service et al., U.S. District Court No. CIV 02-2495 PCT FJM and Bar D Cattle Co. v. Shroufe, CIV2002-0872
- b. Purchase of Real Property and associated water rights

Motion: Gilstrap moved and Melton seconded THAT THE COMMISSION GO INTO EXECUTIVE SESSION.

Vote: Unanimous

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Meeting recessed at 8:02 a.m. Meeting reconvened at 9:12 a.m.

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Chairman Carter called the meeting to order at 9:12 a.m. The commissioners introduced themselves and Chairman Carter introduced Director's staff. The meeting followed a revision to the agenda dated April 7, 2003.

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1. Executive Session

b. Purchase of Real Property and associated water rights

Director Shroufe stated John Kennedy, Habitat Branch Chief, would make the presentation.

Mr. Kennedy stated the Commission discussed acquisition priorities in executive session.

Motion: Chairman Carter stated he would like to have a motion THAT BASED ON DISCUSSIONS ON PRIORITIES OF ACQUISITION ISSUES AND BASED ON AVAILABLE RESOURCES, INCLUDING WHAT WE WILL BELIEVE WILL COME OUT OF THE STATE BUDGET PROCESS ISSUE, THE DEPARTMENT BE DIRECTED TO BRING BACK TO THE MAY MEETING A REVISION OF THE PRIORITY LIST, INCLUDING OPPORTUNITIES FOR EXPEDITING ACQUISITION TIMELINES AND WHERE WE MIGHT BE ABLE TO GO WITH ACQUIRING ADDITIONAL PROPERTIES FROM THAT PRIORITY LIST.

Gilstrap moved and Melton seconded THE ABOVE MOTION.

Vote: Unanimous

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<u>6. Request for the Commission to Approve the Acquisition of Guyett Property, Apache County, Arizona</u>

Presenter: John Kennedy, Habitat Branch Chief

The ½-acre Guyett property is adjacent to the Commission's Becker Lake Wildlife Area (BLWA) and includes a 60-foot stretch of the Little Colorado River. Purchase of this property will complete the Commission's acquisition strategy in the area and add high-value riparian habitat to the BLWA. Maintaining and increasing water flows in the Little Colorado River will contribute to the overall health of the watershed and provide opportunities to conserve sensitive fish and wildlife species that depend on aquatic and riparian habitats.

If acquired, the Guyett property will be managed as part of the Commission's BLWA. Consistent with the management plan for the area, the Department's resource management objectives focus on conserving, enhancing, and restoring aquatic, riparian, and grassland habitats for the Little Colorado spinedace, Southwestern willow flycatcher, mountain plover and bald eagle.

Motion: Chilton moved and Melton seconded THAT THE COMMISSION VOTE TO APPROVE THE ACQUISITION OF THE GUYETT PROPERTY, APACHE COUNTY, ARIZONA, CONSISTENT WITH THE PURCHASE AGREEMENT AND AS RECOMMENDED BY THE OFFICE OF THE ATTORNEY GENERAL.

Vote: Unanimous

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2. a. Statewide Shooting Range Project Update

Presenter: Kerry Baldwin, Education Branch Chief

A written summary was provided to the Commission on major issues in the program prior to today's meeting.

Director Shroufe added he briefed the Governor's Office staff on Monday regarding Bellemont Shooting Range issues.

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c. Tucson Shooting Range Site Review

Presenter: Kerry Baldwin, Education Branch Chief

For background information, see Commission meeting minutes for March 21, 2003, pages 10-12, and February 21, 2003, pages 12-13.

Mr. Baldwin stated he and Mr. Adkins have not entered into discussions yet regarding the potential of creating language that could be incorporated into legislation to adequately protect the Commission from liability concerns on the Tucson Rod and Gun site.

Mr. Baldwin had discussions with the local representatives of the local Home Owners Association (HOA). The HOA submitted 3000 current names on a petition to the U.S. Forest Service about concerns over the Sabino Canyon shooting range and potential operation of the range.

Mr. Baldwin thought Commission direction at the March meeting did not specifically preclude the Tucson Rod and Gun Club site. Chairman Carter hoped by the June meeting the Commission would be in a position to speak more clearly on the issues of pursuing potential shooting range sites on public lands; transfer of lands that might include Bellemont, something in northern Arizona, Douglas and in the Tucson area and potential congressional legislation. Mr. Baldwin stated more information would be available for the June meeting. In the interim, the Department would also look at a broader context of other potential sites. With regard to the Sabino Canyon site, Chairman Carter wanted the Commission to make a decision no later than at the June meeting.

Mr. Baldwin stated he met with the Coronado Forest Supervisor, the Bureau of Land Management (BLM) district manager for Tucson, and Gerry Perry. The group is interested in pursuing a comprehensive process on recreational shooting issues in the Tucson area. The BLM has already filed a Request for Proposal with the Udall Center to be an independent facilitator of a process to bring all the players to the table; the Department would be cooperating. In cooperating with the primary land agencies, the Department would be dealing with potential range sites; staffs at BLM and the Coronado have said they were not interested at this time in pursuing identification of specific sites. They want to bring in other managers, including Pima County Parks and Recreation, Pima County Sheriff's Department, etc., to look at issues more holistically.

Commissioner Chilton thought the Department could tape an educational message and put it on the phone system for the public to listen to when put on hold or transferred. The

educational message could mention the relationship between public safety and the advantage of having the public use shooting ranges rather than going out and randomly shooting anywhere. Mr. Baldwin stated the Commission could direct the Department to put a message on the phone system. Mr. Baldwin also mentioned the importance of doing a basic brochure on responsible shooting in wildlands and several businesses are interested in assisting us in publishing and distributing the brochure.

Chairman Carter stated that if areas were not identified within the next year or so by land management agencies for future shooting ranges, there would be many problems similar to the ones for the Bellemont Shooting Facility. He wanted the meetings expedited and discussions should not be delayed.

b. Buckeye Hills Shooting Range Update

Presenter: Duane L. Shroufe, Director

For additional information, see Commission meeting minutes for June 21, 2002, pages 8-13; August 9, 2002, pages 4-11 and December 7, 2001, pages 8-9.

The Commission was given an update of the Buckeye Hills Shooting Range by Director Shroufe. He and Mr. Baldwin met with Maricopa County Parks and Recreation Director Bill Scalzo and Larry Landry. Maricopa County and state agencies have had extreme budget cuts and are strapped for money. County Supervisor Willcox wants to see the Buckeye Hills Shooting Range completed and she is willing to go before the Board and state the money reserved in the bond issue for the shooting range stays there for that purpose. Mr. Scalzo stressed the importance of getting commitments from other entities.

Past Commission direction was for the Department to be an active participant and partner. Maricopa County Parks and Recreation would like to see a motion from the Commission indicating if and when funds became available, the Department would be a willing partner in the Buckeye Hills Shooting Range. The planned facility will cost about \$4 million; the County was looking for partners for ½ of the amount. This would allow Supervisor Willcox to tell the Board there are commitments from active willing partners; however, it would be difficult to put a figure on paper at this time.

Chairman Carter believed the Commission previously took action on this issue. The Commission endorsed the concept of the range and directed the Department to provide assistance in the development of the range but not become the lead agency. He asked the Department to do research on the minutes of the presentation and get the specific motion that was made. The Commission would then reaffirm its position to be consistent.

Motion: Chilton moved and Gilstrap seconded THAT THIS ITEM BE TABLED TO LATER IN THE DAY.

Vote: Unanimous

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3. Request to Expend Unallocated Funds from the State Shooting Range Grant Funds

Presenter: Kerry Baldwin, Education Branch Chief

The Tri-State Shooting Range development process has advanced to the point where a boundary and internal survey is needed for site design activities to continue moving forward. If all goes well, the Department was looking at a potential November exchange of the initial patent with the Bureau of Land Management on the property.

Costs of the survey have been estimated to be \$12,000-\$13,000, and would certainly be less than \$16,000. The Department requested the Commission authorize the necessary funds from unallocated Statewide Shooting Range Grant Fund balances. The grant program currently has a balance of over \$75,000 in unexpended grant funds and unallocated funds that include the Commission directed reserve.

Motion: Gilstrap moved and Melton seconded THAT THE COMMISSION VOTE TO APPROVE THE EXPENDITURE OF UNEXPENDED SHOOTING RANGE GRANT FUNDS NOT TO EXCEED \$16,000 FOR A SITE SURVEY OF BUREAU OF LAND MANAGEMENT LANDS ASSOCIATED WITH THE PROPOSED TRI-STATE SHOOTING RANGE.

Vote: Unanimous

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4. Litigation Report

State of Arizona v. Norton, CIV 02-0402-PHX-FJM; Montoya v. Manning, 301. F.3d 985 (9th Cir. 2002); In Re General Stream Adjudication for the Little Colorado River and Gila River; Mark Boge v. Arizona Game and Fish Commission & Shroufe, CIV 2000-020754; Mary R. LLC, et al. v. Arizona Game and Fish Commission, CIV 2001-015313, and Ameduri and Yee et al. v. U.S. Forest Service et al., U.S. District Court No. CIV 02-2495 PCT FJM and Bar D Cattle Co. v. Shroufe, CIV2002-0872.

A copy of the report, which was provided to the Commission prior to today's meeting, is included as part of these minutes. Mr. Adkins stated there was nothing further to add.

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5. An Update on Current Issues, Planning Efforts, and Proposed Projects on State and Federal Lands in Arizona and Other Matters Related Thereto

Presenter: John Kennedy, Habitat Branch Chief

A copy of the printed update, which was provided to the Commission prior to the meeting, is included as part of these minutes.

Commissioner Melton stated he received a letter dated April 3, 2003, from the Yuma Valley Rod and Gun Club (YVRGC) to Colonel James Uken and Mr. Ron Pearce. Jon Fugate, President of the YVRGC, asked that the letter be read into the record. The letter was regarding the Barry M. Goldwater Range Integrated National Resource Management Plan (INRMP) and the draft Environmental Impact Statement (EIS). Commissioner Melton read excerpts from the letter and asked to have the letter placed in the record.

With regard to the draft EIS/INRMP, the YVRGC could support the selection of Alternative C, with the following changes:

Include roads identified on the accompanying maps as open to public use. We
can support closing redundant roads in localized areas, however, we do not
believe the identified roads are redundant and we do believe they are needed for
hunter access. We also do not agree with the restriction of roads to agency use
only unless it is for safety or security reasons.

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• The YVRGC did extensive mapping for roads to go into the Preferred Alternative. Basically, if the roads can be approved and if a couple of other issues could be resolved, the YVRGC would approve it; otherwise, they would vote for Alternative A or B.

Commissioner Melton noted YVRGC's main concern dealt with 33% road closure for public use on the Range.

Commissioner Melton noted water developments would be put on the Cabeza Prieta for Sonoran antelope. Positive things were occurring.

Commissioner Gilstrap referenced the update on the Buenos Aires National Wildlife Refuge (BANWR) on page 8. ("Many of the Department's concerns have been resolved, however, the Service will not agree to predator hunting on the Refuge without data to show the potential impacts to predator populations as a result of hunting.") He thought it to be a reverse statement. The issue was not the effect of hunting on predator populations; it was the effect of predator populations on wildlife. He would be concerned if the Department did not take a look of the effect of wildlife as a part of the effect of Mr. Kennedy stated the Department received the draft Comprehensive Conservation Plan (CCP) two days ago. There is some flexibility for predator hunting, (specifically covotes), with regard to managing big game populations (pronghorn in particular on the BANWR). With regard to the other Department proposals for predator hunting in general on the Refuge, the Service wants to see specific data regarding current predator populations and how any hunting program would impact those populations. At this time, the Department did not have that data to provide. The Department has worked hard to convince the Service that the Department has a jurisdictional role on Refuges and the Department would work with the Service on compiling this data. At this point, the draft CCP does not have just overarching predator hunting proposals within the hunting plan. After the development of this plan, the Department will be developing a specific hunt plan. At that point, the Department may have more data to support other predator hunting proposals, similar to those on the Kofa NWR.

Commissioner Chilton noted the BANWR was located in Game Management Unit 36B. The highest proposed number of whitetail deer tags in the state was in this unit. During the public hunt meeting in Sahuarita, many comments were made about the high numbers of mountain lions seen in this unit. Lack of access and hunting on the BANWR is preventing controlled management. She agreed with Commissioner Gilstrap that impacts of growing predator populations on deer should be looked at.

Chairman Carter referenced the lawsuit filed by the Forest Conservation Council from New Mexico (page 2 of the report) and the opportunity for a settlement with respect to litigation efforts on the Rodeo-Chediski fire. He asked Mr. Kennedy if he thought a settlement would be reached. Mr. Kennedy stated the Department did not know which way it was going to go.

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7. Request for the Commission to Approve the Cooperative Agreement with the Altar Valley Conservation Alliance for the Purpose of Developing a Habitat Conservation Plan for the Altar Valley, Pima County, Arizona

This item was pulled from the agenda.

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8. State and Federal Legislation

Presenter: Anthony Guiles, Legislative Liaison

The Department worked with the Attorney General's Office on amendment language to S 1282 (Wildlife diseases; agency orders). The bill will be heard for third read in the next week.

S 1283 (Watercraft; boating while intoxicated) was heard in the Appropriations Committee. There was one dissenting vote (Chairman). It will be heard for third read in the House this coming week.

Bills on which the Commission took a position to oppose were dead.

It is predicted all bills and legislation will be done in the next two weeks. At that point, work will commence on the budget. The JLBC budget may be out the end of next week.

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9. Call to the Public

There were no comments.

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Meeting recessed at 10:00 a.m. Meeting reconvened 10:12 a.m.

10. Request for Consideration of Mr. Glenn W. Phillips' Petition to Adopt a New Rule, R12-4-611, Limitations on All-Terrain Vehicle Travel

Presenter: Mark Naugle, Rules and Risk Manager

Currently, there are game and fish laws prohibiting hunting with "the aid of a vehicle" (ARS § 17-301(B)) and "cross country travel" (ARS § 17-454). Cross country travel in a motorized vehicle to a kill site to retrieve downed big game is provided for in state law and is lawful on many lands in Arizona. The manner and extent to which this activity is limited or regulated varies between landowners and land management jurisdictions.

The Department does not believe the proposed petition is an effective means of addressing the issue for the following reasons:

- 1. Unless a land management agency or landowner concurs, the Commission and Department cannot restrict the use of Off-highway vehicles (OHVs), except for what is provided in statute or on Department properties.
- 2. Currently, federal and state land management agencies may close areas to cross-country travel by publishing a rule or regulation. The Bureau of Land Management (BLM), U.S. Forest Service (USFS) and the State Land Department have already closed some lands under their jurisdictions to cross-country travel. Arizona peace officers are currently able to enforce provisions of ARS §17-454 on BLM, State Trust, and USFS lands when the land management agency has established regulations pertaining to cross-country travel.
- 3. Since the Commission authorizes yearlong, statewide hunting seasons, the proposed rule language could be construed to mean all off-road travel by hunters and non-hunters is prohibited yearlong, statewide.
- 4. The proposed rule addresses the use of ATVs; to be effectively administered, the proposed rule language should focus on cross-country travel rather than the types of vehicles.
- 5. The intent to disarm hunters traveling cross-country is well taken; however, it may be an unreasonable requirement because it may be very difficult for hunters to remove all means of take from their vehicles. An alternative approach might be to require hunters to unload and case their firearms prior to retrieving lawfully taken big game. There may also be some negative relationship to the Second Amendment.
- 6. To improve the effectiveness of the proposed rule language, additional clarification should be provided to define certain terms, e.g., roadways, established roadways, maintained roadways and authorized hunts.

The Department has a program that promotes safe and ethical OHV operation and focuses on coordination with the land managing agencies regarding wildlife habitat implications. The Department has been working with land management agencies to resolve conflicts between users, and believes approaches being initiated in state and federal land management agencies to handle cross-country vehicle travel will ultimately address the concern Mr. Phillips brought forward in his petition. The BLM and USFS are working toward more consistent regulations.

On April 9, the Department received a letter from Mr. Phillips. The Department was recommending that the Commission disregard the petitioner's letter and request because his new rule language still creates an inconsistent approach to the problem as it only addresses hunters and not other OHV user groups.

Unless a land management agency or a landowner concurs, the Department and the Commission cannot restrict the use of OHVs except as provided in statute.

Motion: Melton moved and Gilstrap seconded THAT THE COMMISSION VOTE TO DENY THE PETITION AS ORIGINALLY PROPOSED AND MODIFIED FROM MR. GLENN W. PHILLIPS.

Commissioner Gilstrap thought it would be beneficial for Mr. Phillips to work with the Department and some user groups and land management agencies.

Director Shroufe stated Mr. Naugle intended for the Commission to deny the request in the new letter.

Chairman Carter noted two or three years ago BLM implemented a study of its problems associated with this issue. There was much discussion between the Department and Commission about enhancing educational opportunities and working with the Arizona State Parks Department, BLM and USFS on a comprehensive solution.

Commissioner Melton suggested Mr. Phillips attend a Landowner-Lessee/Sportsman Committee meeting because it deals with these very issues.

Vote: Unanimous

Director Shroufe noted not only was Arizona State Parks' OHV balance taken, but the entire program was eliminated. All the grants that have been issued had to be recalled.

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11. Request to Close the Rulemaking Record and Adopt Administrative Rule R12-4-804, Public Solicitation or Event on Department Property

Presenter: Mark Naugle, Rules and Risk Manager

Based on statutory exemption (ARS §41-1005(A)(1), the Commission was asked to adopt R12-4-804, Public Solicitation or Event on Department Property, as an exempt rule to establish the procedures and timetables the public will use to apply for and to conduct a solicitation or event on Department property.

If approved by the Commission, the Notice of Exempt Rulemaking will be filed with the Secretary of State by April 18, 2003, and the effective date for the rule will be June 18, 2003. This rulemaking is exempt from GRRC review.

Motion: Melton moved and Gilstrap seconded THAT THE COMMISSION VOTE TO CLOSE THE RULEMAKING RECORD AND ADOPT ADMINISTRATIVE RULE R12-4-804, PUBLIC SOLICITATION OR EVENT ON DEPARTMENT PROPERTY, TO ESTABLISH IN RULE THE PROCEDURES THAT THE PUBLIC WILL USE TO APPLY FOR AND TO CONDUCT A SOLICITATION OR EVENT ON DEPARTMENT PROPERTY.

Vote: Unanimous

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19. Proposed Modifications to Department Operating Manual Policy L1.5, Landowner-Lessee/Sportsman Relations Operating Procedures – Second Reading

Presenter: Richard Rico, Assistant Director, Special Services

For additional background information, see Commission meeting minutes for March 21, 2003, page 13, and February 13, 2003, page 13.

The primary changes included moving the policy to Section A (Commission Policy) and making a modification to include the commissioner assigned to the committee as a voting member. Several other minor editorial changes were incorporated to make the policy clearer. This was the second reading of the proposed changes.

Motion: Gilstrap moved and Chilton seconded THAT THE COMMISSION VOTE TO FINALIZE THE POLICY

Vote: Unanimous

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18. The Online Big Game Application Process

Presenter: Richard Rico, Assistant Director, Special Services

This past year, the Department continued to implement process improvements by providing customers with the ability to apply for the fall 2002 hunts online. The Commission was provided with a Powerpoint presentation outlining the current processes and statistical information related to overall utilization, variations in application rates, changes in draw odds, cost savings and customer satisfaction rates. Information was also provided regarding current industry standards related to merchant transaction agreements.

Posting hunt draw results on the Internet proved to be a significant process improvement for the Department. There was 80% utilization by the public in the first year. There was a reduction in the notification time. Eliminating notification by mail (pink cards) saved the Department approximately \$40,000. Additional savings were found in other areas as well.

The Department started to drop/ship the hunting regulations directly to license dealers. A new contract was written with the vendor. The regulations now go straight from the vendor to the license dealers. Time and costs associated with shipping and labor were saved by using this new process.

Process improvements for 2002 were the implementation of an online big game application process and providing for the first-come, first-serve process to be completed via phone or the Internet. Both of these processes were embedded within the Business Administration Strategic Plan. Benefits to the customers and the Department were noted.

Costs were cut in half between 2001and 2002. There was concern that the Department would lose a significant amount of interest because it did not have all the permit and application fees up front like in the past. The Department did not feel it was good business practice to be generating interest off other people's money. Because of the actual increase in applications, more money than ever before was brought into the Department.

Process improvements will be worked on including customer notification by email, record keeping, etc.

An issue that was raised dealt with charging for the application and permit-tag prior to the draw. Mr. Rico stated sources reported Visa and Master Card regulations do not permit merchants to receive payments for sales until goods or services are delivered to the customer.

Mr. Rico introduced employees in the Special Services Division who were involved in the draw process: Linda Kuryn, Linda Melker, Jan Maguire and John Bloom.

For future presentations on the online big game application process and comparison of drawings, Commissioner Gilstrap requested that each year data from 2000 be used as opposed to using only the current year's data. Commissioner Melton agreed with Commissioner Gilstrap and recommended use of a graph showing several years' data.

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20. Director's and Chairman's Reports

Chairman Carter met with sportsmen's groups in the Graham/Greenlee County areas who are working to establish a club in southeastern Arizona.

Director Shroufe referenced reports were given to the Commission from the Divisions. He attended the North American Conference in North Carolina. He met with Bureau of Land Management (BLM) Director (Kathleen Clark) and her staff. There was a need to have better coordination and communication both at the Washington level and the field level.

Director Shroufe participated in discussions regarding the congressional Sportsmen's Committee. The staffers are currently interested in U.S. Forest Service (USFS) and BLM access issues. Access issues in Arizona were discussed. It is hoped work will be done at the congressional level with BLM and USFS to try to solve some of the access problems.

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21. Commissioners' Reports

Commissioner Golightly worked on shooting range issues associated with the Bellemont Range. He attended a memorial service for Levi Packard, former Department employee who passed away. He attended a workshop put on by the USFS regarding current conditions and concerns for wildlife and grazing on Anderson Mesa. The USFS wanted to get ideas from the public regarding desired future conditions on management of the Anderson Mesa allotments. Data would be used by the USFS on assessment of the area.

Commissioner Chilton attended a meeting of the Altar Valley Conservation Alliance Steering Committee, which continues to work on the HCP. She attended a meeting of the Southern Arizona Cattle Growers and a meeting of the Sonoran Desert Conservation Plan.

Commissioner Gilstrap attended an Arizona Bowhunters Association banquet. He attended a regional festival in the west valley; it was the inaugural event.

Commissioner Melton spent time at the Yuma Fair. He attended an Integrated Resource Management Plan meeting at the Yuma Convention Center. He participated in efforts on the Goldwater Range to recover coyotes. All animals captured were safely released.

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Meeting recessed at 11:15 a.m. Meeting reconvened at 1:10 p.m.

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22. Signing of Minutes

Director Shroufe noted it was brought to his attention there needed to be an addition to the February 21, 2003 minutes. The Commission approved the minutes at the last meeting and were not agended for change at this meeting. The minutes were not signed at this meeting. The corrected minutes will be put on the May meeting agenda to be signed.

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12. Request for the Commission to Authorize the Department to Enter into an Agreement with the U.S. Fish and Wildlife Service to Develop a Monitoring and Adaptive Management Plan for the Rio Salado Restoration Project

Presenter: Jim deVos, Research Branch Chief

The U.S. Army Corps of Engineers (Corps) and the cities of Phoenix and Tempe proposed the project. This phase of the project will assesses methods to restore aspects of wildlife habitats on select reaches of the Salt River and Indian Bend Wash in Phoenix and Tempe.

The Corps, through the U.S. Fish and Wildlife Service (FWS) has asked the Department to develop a Monitoring and Adaptive Management Plan (M&). The purpose of the M& for the Rio Salado Project is to provide a mechanism to evaluate the effectiveness of the restoration measures implemented in the project and implement adaptive changes, if required, to meet project objectives. The plan will detail survey methods to monitor the expected natural reintroduction of native wildlife into the restored habitats, methods and metrics to evaluate success of the restoration effort, adaptive management triggers to ensure a successful restoration effort, and reporting requirements of the project. Approximately \$95,000 would be transferred from the Corps through the FWS to the Department to fund the project.

Motion: Melton moved and Gilstrap seconded THAT THE COMMISSION VOTE TO AUTHORIZE THE DEPARTMENT TO ENTER INTO AN AGREEMENT WITH THE U.S. FISH AND WILDLIFE SERVICE TO FACILITATE DEVELOPING A MONITORING AND ADAPTIVE MANAGEMENT PLAN FOR THE RIO SALADO RESTORATION PROJECT.

Vote: Unanimous

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2b. Buckeye Hills Shooting Range Update – cont'd.

Chairman Carter noted copies of the minutes from the previous sessions regarding the Commission's position on the Buckeye Hills Shooting Range were provided to the Commission. There were a number of references. He stated it would be appropriate for the Commission to reaffirm through a motion its commitment to the project as a partner and consistent with language referenced in the minutes of the meetings on August 9, 2002, and June 21, 2002. Director Shroufe suggested the Commission may want to include funding as a partner if and when it became available.

Motion: Chairman Carter suggested THAT THE COMMISSION REAFFIRMS ITS COMMITMENT AS A PARTNER FOR THE DEVELOPMENT OF THE BUCKEYE HILLS REGIONAL SHOOTING FACILITY CONSISTENT WITH THE REFERENCES IN THE AUGUST 9-10, 2002 MINUTES OF THE COMMISSION AND JUNE 21-22, 2002, AND FINANCIAL PARTICIPATION IN THE FUTURE SHOULD THOSE FUNDS BECOME AVAILABLE.

Gilstrap moved and Chilton seconded the above motion.

Commissioner Gilstrap stated the Commission would be making a decision on the project, with the funding coming from sources we may have at the time they are needed as a future and separate decision.

Vote: Unanimous

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16. Department Recommendation for Mr. David Bennefield's Request to Close Hunting on an Unincorporated County Island with the City of Mesa

Presenter: Rod Lucas, Region VI Supervisor

The Phoenix metropolitan area has continued to expand at a highly accelerated rate. The massive growth due to development has had major impacts on hunting opportunities within the boundaries of the current Valley interface. The absorption of urbanized hunting areas into these areas has left hunters little choice but to travel further outside the urbanized areas or to seek quality hunting areas. Many dove hunters, faced with longer drives to quality areas, prefer to utilize county islands within the confines of the expanding metro area.

One such county island is known as the Elliot and Hawes.

As a result of chronic and continued problems experienced during the 2002 dove hunting season with hunters shooting too close to his property, David Benenfield announced the situation for him was no longer tolerable. He reported numerous problems with vandalism, property damage and angry confrontations with the public during the past few years. Mr. Bennefield believed his only alternative to resolving the problems was to contact the Department and the Commission to seek closure of the area.

Slides were shown of the area. A history of law enforcement efforts was given.

Mr. Bennefield, who lives in the area in question, was present at today's meeting.

Public comment

Residents or business owners in the area also expressing problems and concerns for human safety during the dove hunting season in the area included Larry Ruckdashel and Barbara Boyle, owner of the Jim Boyle Dairy.

Motion: Gilstrap moved and Chilton seconded THAT THE COMMISSION VOTE TO APPROVE THE CLOSURE OF SECTION 16, TOWNSHIP 1 SOUTH, RANGE 7 EAST IN MARICOPA COUNTY, ARIZONA TO HUNTING.

Vote: Unanimous

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13. Hearings on License Revocations for Violation of Game and Fish Codes and Civil Assessments for the Illegal Taking and/or Possession of Wildlife

Presenter: Leonard Ordway, Law Enforcement Branch Chief

Record of these proceedings is maintained in a separate minutes book in the Director's Office

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14. Rehearing Request Regarding Previous License Revocation/Civil Assessment Action by the Commission at Time Certain 1:30 p.m., Following Any Other Scheduled Hearings

Presenter: Leonard Ordway, Law Enforcement Branch Chief

Stephen Sherwood requested a rehearing of this matter and decision in a letter received by the Department on February 21, 2003. (For background information, see License Revocation/Civil Assessment proceedings for January 21, 2003, pages 3-4.)

Mr. Sherwood was not present at today's meeting.

Motion: Gilstrap moved and Melton seconded THAT THE COMMISSION DENY A REHEARING.

Vote: Chilton, Gilstrap and Melton – Aye Golightly not present for vote Motion passed

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Meeting recessed at 2:16 p.m. Meeting reconvened 2:30 p.m.

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15. Interstate Quail Harvest Study

Presenter: Vashti C. Supplee, Game Branch Chief

The Commission was briefed on the Department's participation in a multi-state effort to examine quail harvest structure and poll hunter opinions on quail hunting. Primary investigators for the study are Dr. Markus Peterson, Texas A&M University and Dr. Fred Guthery, Oklahoma State University. Participating states in the study are: Iowa, Missouri, Kansas, Nebraska, Texas, Oklahoma and Arizona. To fund the study, Doctors Peterson and Guthery will seek support from the International Association of Fish and Wildlife Agencies. The primary motivation for this study was generated from the Department-sponsored Arizona Quail Symposium that occurred October 21-22, 2002.

The ultimate goal in the Department's participation in this project is to better manage quail through refined harvest management and an improved understanding of the needs and opinions of the quail hunting public. The Department hoped to use the results of the study as a scientific basis to assign harvest structure to Arizona quail.

By participating in the study, the Department agrees to supply harvest data and wing barrel information for inclusion into the modeling effort. The Department will also play a co-investigator role in guiding the study and interpreting the results. Results of the study will be published in a major wildlife journal with proper citation of the Department's participation. The results of the study will be used as a scientific basis to assign harvest structure to Arizona quail.

The study consists of two major components:

- 1) A modeling exercise to evaluate current harvest structure and provide a means of evaluating alternative structures using quail harvest data from participating states
- 2) An evaluation of hunter opinion of quail harvest regulations

Objectives of the study are:

- 1) To extract information on harvest management from the records of state game departments.
 - Determine cumulative proportions of hunters who attain a given bag limit. These analyses give information on the percentage of hunters affected by a reduction in bag limit and the percentage reduction in state harvest associated with a reduction in bag limit.
 - Determine how the level of statewide harvest compares with a theoretical optimal harvest that is close as possible to maximum with minimum effects on the annual growth rate. This analysis will provide the first ever assessments of how actual harvests compare with the actual demography of a state's quail population.
 - Determine hunting pressure trends through time (start to end of a hunting season). Season length is a variable relevant to statewide harvest rates because of its effects on hunter days afield.
 - 2) Develop a harvest management model that predicts the effects of specific regulations on specified objectives on a state population. The basic set of regulations will consist of those now existing in the collaborating states.

- 3) Regulations of management interest will be added to this basic set by comparing earlier vs. later seasons, start dates and ending dates, and evaluate season length and bag limit combinations. The results of 1) above will provide input for the model on how a regulation change would be expected to change the harvest rate.
- 3) Assess hunter opinion of 1) alternative regulation strategies and 2) satisfactions associated with quail hunting. There is a need to understand the opinions and motivations of hunters so that regulations can optimally blend social and biological considerations.

The length of time was unknown for completion of the analysis.

Ms. Supplee noted a big reason Arizona wanted to be a participating state was to represent a western picture. Other states in the study have private lands and have manipulated the habitats to produce more birds. She anticipated the doctors will find one model could not fit all and there would have to be consideration of other factors. This would be a complex approach. She noted there was a lot of conjecture in the literature about the possible role of harvest regulatory approaches by states and very little supporting science. This proposal will start putting supporting science in place. The study will not cost the Department any money. One of the things that emerged from the symposium was a lot of scientific questions regarding whether or not state regulations were being responsive to quail populations; this is what the study is designed to test.

Chairman Carter brought up perspectives by the Commission: 1) Biology and science; 2) habitat issues, particularly in Arizona the uniqueness of land masses and limitations in terms of the impact of how those are available and 3) social acceptance or tolerance. He wanted to see something that was comprehensive.

Commissioner Gilstrap thought the symposium elevated quail and quail management in the state to a different level; it is a wildlife species that we had a responsibility to nurture. The states in the study consist of different birds and different habitats. It was important for us to know the management differences between bobwhite quail management and desert and Mearns' quail management. If the two are mixed, we will be able to break them apart to see what works and some things might be learned from the study regarding habitat and utilization of birds in those areas. Both Doctors Peterson and Guthery are aware of Arizona's differences; they could filter different information.

Commissioner Melton asked if there would be two different management strategies, i.e., one for Mearns' quail and one for valley quail. Ms. Supplee stated this would be looked at in the study. The state wildlife agencies have relied heavily on traditional management of quail and changes made in the season structures were social and not really based on biology. According to Dr. Peterson, the level at which you would have to change regulations to cause an effect on the populations of quail would be "draconian". The effect is most felt in good years. In this study, a lot of data sets would be looked at from the states and would start to test the hypotheses they have been putting forth conjecturally.

Public comment

Dave Lukens, representing the Western Gamebird Alliance, noted this was a computer model and no groundwork was going to be done. The Department did an on-the-ground study to get biological data on quail harvest to lead its style of management to the correct determinations. Some people were becoming "Guthery-ites". This study being discussed today contains bobwhite justifications that talk about habitat loss and habitat fragmentation. There is no reason for this study to include Arizona; it would be appropriate in bobwhite country. He did not want to see a problem occurring in bobwhite country that would be taken to affect quail populations in Arizona. The Commission should use science-based data in its decision making. He supported the study mainly because it would not cost the Department any money.

Bruce Taubert, Assistant Director for the Wildlife Management Division, stated everyone at the symposium concurred habitat was the most important issue. What attendees did not agree on, and was the most contentious, was the effect of hunting on harvest and the carry forward population of quail into the next year. The Department would not look at non-contentious issues; that was the reason why habitat would not be looked at.

Because of political and social variables, Director Shroufe stated quail management issues would continue for a long time. They would have to be addressed the best way possible as they arise.

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17. Call to the Public

Ed Hergan, representing the Sun City Sportsmen's Club, spoke regarding forest improvements for better management for fire protection. He also suggested that the Department look into land leasing for shooting facilities.

Chairman Carter stated the meeting stood in recess until tomorrow morning.

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Meeting recessed 3:15 p.m.

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Saturday, April 12, 2003 – 8:00 a.m.

Chairman Carter called the meeting to order at 8:02 a.m. The commissioners introduced themselves and Chairman Carter introduced Director's staff. The meeting followed a revision to the agenda dated April 7, 2003.

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Awards and Commissioning of Officers

The following employees were present and received pins for years of service with the Department:

Bob Lemons, Region V – 20 years
Sam Lawry, Game Branch – 20 years
Carol Rubenacker, Region IV – 20 years
Gary Schafer, Audio-Visual Branch – 20 years
Stewart Kohnke, Region IV – 20 years
Gary Mandoske, Support Services Branch – 25 years
Jim Wegge, Region VI – 40 years

Sherwin Scott presented the Shikar-Safari International Wildlife Manager of the Year Award to Chris Bagnoli of Region I (Pinetop).

Chairman Carter noted Director Duane L. Shroufe received the 2003 Conservation Achievement Award (State Category) from Ducks Unlimited.

Ron Sieg, Region II (Flagstaff) Supervisor introduced Bob Jacobs of the Mule Deer Foundation, Flagstaff Chapter. Mr. Jacobs proceeded with a formal presentation of a bobcat tractor to the Commission with the hope this piece of equipment would be used with the brushcat to help improve habitat in some of the critical mule deer areas in northern Arizona.

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Meeting recessed at 8:35 a.m. Meeting reconvened at 8:48 a.m.

5. Hunt Permit-Tag Application Schedule for Fall 2003 and Spring 2004 Hunts

Presenter: Richard Rico, Assistant Director, Special Services

The Department provided the Commission with information related to the proposed application schedule for the fall 2003 and spring 2004 big game hunts. This included the proposed dates for accepting applications, associated deadlines, when permits would be mailed to successfully drawn individuals and timeframes for issuing refund checks to unsuccessful applicants. The same information was provided for sandhill crane, pheasant and raptor applications along with the timeframes for potential first-come/first-serve applications.

The biggest change in the schedule was the inclusion of the correction period (grace) on the application table. The Department was trying to promote it more.

Motion: Melton moved and Chilton seconded THAT THE COMMISSION VOTE TO APPROVE THE HUNT PERMIT-TAG APPLICATION SCHEDULE FOR THE FALL 2003 AND SPRING 2004 HUNTS.

Vote: Unanimous

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1. Hearing on Proposed Commission Orders 1-5 and 7-10 for 2003-2004 Hunting Season

Presenter: Vashti C. Supplee, Game Branch Chief

Ms. Supplee introduced the team who assisted in the preparation of the hunt season package: Brian Wakeling, Big Game Supervisor; David Cagle, Region I (Pinetop) Game Specialist; John Goodwin, Region II (Flagstaff) Game Specialist; Mike Rabe, Small Game Biologist; Bob Henry, Region IV (Yuma) Game Specialist; Jim Heffelfinger, Region V (Tucson) Game Specialist; John Hanna, Region VI (Mesa) Game Specialist; John Wills, Region III (Kingman) Game Specialist; Amber Munig, Statistician and Scott Zalaznik, Program Assistant in the Game Branch.

Ms. Supplee reviewed the contents in the notebook distributed earlier in the day to the Commission.

A total of 319 individuals attended 12 hunt guideline meetings statewide. Written public comment was also accepted by mail, fax and email, with 58 written comments being received. Twenty of these written comments dealt with rules; those were forwarded to the rules coordinator to enter in the files for the appropriate rules when they come up in their appropriate cycles.

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Note language would be added designating the new closure in Unit 39M for the Commission Orders: Hunting is not permitted in Unit 39M in the following described area: an unincorporated portion of land within the City of Mesa known as the Elliott and Hawes County Island in Section 16, Township 1 South, Range 7 East.

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Commission Order 26: Population Management

A Powerpoint presentation was given.

Population Management Seasons will change from Commission Order 1 to Commission Order 26.

This Order is a result of Commission certified rules that would allow the Department to open areas for specific species that can be created by regional biologists on short notice. Ms. Supplee explained the process for these hunts. Basically, these hunts would use a hunter pool that would be established by this Commission Order, which designates the season dates, open areas, legal wildlife and lawful methods of take and allow a maximum number of tags to be allocated for the hunt area by species. These hunts may or may not be held. The Department will purge the hunter pool list each year. An application fee of \$5 would be mailed in to the Department. A hunter would not be able to apply on the Internet for these hunts. Hunt areas will be open for elk, buffalo, javelina, and black bear; annual bag limits would apply and one buffalo in a lifetime would also apply. Ms. Supplee provided additional information and examples for the Population Management hunts and hunter pool.

Motion: Melton moved and Chilton seconded THAT THE COMMISSION VOTE TO ADOPT COMMISSION ORDER 26: POPULATION MANAGEMENT SEASONS.

Vote: Unanimous

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Commission Order 2: Deer

A total of 37,025 permits was recommended for the general deer season, which was a decrease from last year. Reductions are statewide and are a result of very poor fawn survival in most units. Because of the statewide drought, recommended permit levels represent the lowest level of deer hunting opportunity since records were started in 1946. The juniors-only deer seasons were recommended for 950 permits distributed statewide. Muzzleloader permits were recommended at 735 and juniors-only muzzleloader permits were recommended at 30 permits.

Rotations for deer this year will be: juniors-only will rotate from Unit 17A to Unit 17B and Unit 24A to Unit 23; muzzleoader will rotate out of Unit 20B into Unit 24B.

The Department recommended a 10-day general season rather than a 17-day season in Unit 17A. General permits were recommended for reduction in this unit. The Department proposed shortening the archery-only any antlered deer seasons in Unit 27 while maintaining an archery-only deer hunt during the December holidays. The Department proposed a change in the archery-only deer hunts for December 12, 2003, through January 31, 2004, to be for any antlered deer statewide. This recommendation removes all archery doe harvest.

Specific objectives for buck:doe ratios are not being met in Unit 12A (North Kaibab). The recommendation was to reduce the overall harvest of bucks to meet this objective. The objectives for higher hunter success and older age bucks in the late season hunts are already being met. Because of reductions in general deer permits, the muzzleloader deer season scheduled for Unit 12AE was recommended to remain in Unit 12B, with 25 permits. The season dates for Units 12A, 12B and 13A archery deer are recommended to be later (Sept. 5 through 18) in response to fire danger concerns from the Kaibab National Forest. There would be a checking station requirement for North Kaibab archery deer hunters. An archer would be required to purchase a Habitat Stamp for the North Kaibab and affix the stamp to his license to validate the nonpermit archery tag. (Note 14 in the regulations.)

A substantial contribution to the junior hunter deer permits is a fifth year of antlerless hunting with 500 junior season antlerless permits proposed for Unit 12AW. This hunt should allow for a modest increase in the west side deer population, with the range continuing recovery from wildfires that reduced deer habitat capacity by nearly 50% in 1996.

Unit 37B was recommended for any antlered deer. White-tailed deer have started moving into mule deer habitat. The Department did not want to create an unintended violation in this type of situation. There will be a CHAMP season on Fort Huachuca.

Motion: Gilstrap moved and Melton seconded THAT THE COMMISSION ACCEPT COMMISSION ORDER 2, DEER, AS PRESENTED.

Commissioner Chilton was concerned about the number of whitetail permits in Unit 36B since there was no reduction in permits from last year. One of the concerns dealt with hygiene issues affecting the quality of the hunts. There were impacts of border usage in addition to recreational usage. She asked the Department to look into installing sanitation

facilities in some of the areas where more people congregate. A number of hunters are concentrated on limited number of access roads. Ms. Supplee noted the majority of hunters are concentrated in the Coronado National Forest.

Public comment

Dick King, representing the Arizona Bowhunters Association (ABA), supported the Department's recommendations for archery hunters on the North Kaibab; the ABA also supported the Kaibab archery stamp and mandatory reporting of deer harvest. He noted the buck:doe ratio for mule deer in Unit 27. Having a whitetail archery hunt only to preserve the bucks in the mule deer populations may be something the Department could consider in a few years. The same concern for sanitation existed on the North Kaibab as Commissioner Chilton expressed regarding Unit 36B. It was more of an issue of managing people over deer; the Department had to manage wildlife and not people.

Russ Truman, Fire Management Officer on the North Kaibab Ranger District, noted a letter was sent to Director Shroufe in November from the District Ranger requesting later dates. Evacuation concerns in the event of a major fire were expressed. He supported the later season dates the Department proposed for this year. Those later dates should be kept in mind for archery hunts to occur in the future on the North Kaibab.

Danny Dobbs, representing self, wanted to discuss muzzleloader hunts as they pertain to Commission Orders 2-5. He stated a hunter needed more than four days to hunt and that six would be preferred. The majority of the rifle bull elk hunts were for seven days, with a total of 5,616 permits. The only substantial number of permits for muzzleloaders was in Unit 6A (314 permits) and it was for a five-day hunt. He compared other muzzleloader permits and length of seasons with various other hunts. He asked for an increase in the number of permits for juniors and for muzzleloaders in relation to the many permits for rifle.

Pete Cimellaro, representing the Arizona Deer Association (ADA), noted the Arizona Mule Deer Association adopted a name change at its last meeting to the ADA. It was felt that the limit in the name kept some from participating and did not recognize them as the overall advocate for deer in Arizona. The ADA was in general agreement with the Department's recommendations. The overall deer herd health was suffering. The ADA was an advocate of juniors-only antlerless hunts. Another issue that needed to be looked at was coyote predation on deer and antelope herds. Previously, there were effective tools to the Department to use for managing coyotes; those tools were gone today due to the political climate. Trapping is a management tool that should be addressed for the Department to use in controlling or eliminating coyote predation. Data have shown that habitat, rainfall and forage are not the only components; when predators are managed in conjunction with the drought, there is still fawn recruitment.

Blaine Bickford, President of the White Mountain Rod and Gun Club and Board member of the ADA, spoke regarding the hunt structure for mule deer hunts in Unit 27 and supported the Department recommendations as presented. There was concern with the lack of data regarding the physical condition of the herd.

Vote: Unanimous

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Meeting recessed at 10:10 a.m. Meeting reconvened at 10:22 a.m.

Commission Order 3: Pronghorn

A total of 360 permits was recommended for the general season, a reduction from last year; 427 permits were recommended for archery, a reduction from last year; 87 permits were recommended for muzzleloader, a reduction from last year, and 12 permits were recommended for juniors, a reduction from last year.

The juniors-only pronghorn hunt scheduled to occur in Unit 3C was moved to Unit 4A, which is a unit that can better accommodate a juniors-only hunt.

There was poor fawn survival in almost all of the pronghorn antelope units. Buck:doe ratios were staying within Department guidelines. With this species, muzzleloader and archery were getting more than their fair share of permits as they relate to the demand for the opportunity. So much of the pronghorn habitat is on private or mixed private State Trust or federal ownership. Because of the encroachment of urban sprawl, the muzzleloader or archery hunter can go into these areas where the general firearm hunters cannot go.

Motion: Melton moved and Chilton seconded THAT THE COMMISSION ADOPT COMMISSION ORDER 3, PRONGHORN ANTELOPE, AS PRESENTED.

Public comment

Stephanie Nichols-Young, representing the Animal Defense League of Arizona (ADLA), stated the ADLA was concerned with the decline in the antelope populations. She asked the Commission to be more active in encouraging habitat protection. She referenced antelope populations on Anderson Mesa. In working with land management agencies in particularly hard-hit areas, the Department should request those agencies remove cattle. She called for a moratorium on antelope hunting in areas where there was aerial gunning and did not think aerial gunning would have long-term effect in Units 5A, 5B, 10 and 3A.

Vote: Unanimous

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Commission Order 4: Elk

A total of 12,475 permits was recommended for the general season, which is a reduction from last year. Archery was recommended for 6,608 permits, an increase from last year; 1,068 permits were recommended for muzzleloader, an increase from last year, and 1,075 permits were recommended for juniors, a slight reduction from last year, but still 5% of the total allocation. The general season permit reductions were largely in Management Units 1, 4A and 27. Population objectives have been met in these units and the projected hunter harvest, even with permit reductions, should result in stable to slightly declining elk populations.

The Department recommended a total of 825 limited opportunity hunt permits for general hunts. Limited opportunity archery seasons were recommended for 55 permits, a reduction of 50 permits and the limited opportunity muzzleloader season in Unit 3B North was not being recommended (-50 permits). The elk population management seasons recommended in Commission Order 26 will replace the deleted limited opportunity elk seasons. In Commission Order 26, 1,254 restricted nonpermit-tags have been recommended as the maximum for elk.

Rotations for elk hunts this year will be: early general season bull elk will rotate out of Units 1, 3A and 3C, 6A and 22 South, and will rotate into Units 4A, 7, 23 South, and 27. Muzzleloader elk will rotate out of Units 4A, 9, 21, and 27 and rotate into Units 1, 3A and 3C, 5A and 22 South. Archery-only elk will rotate out of Unit 23 South into Unit 21. The juniors-only season in Unit 6A was modified to drop 6A South and 6A West was added in its place. The hunt was now proposed for 6A North and West. The limited opportunity muzzleloader and archery hunts in Unit 3B North were eliminated. The bull and antlerless archery hunts in the Blue Ridge area in Unit 5A were expanded to include the entire unit. The two separate hunts on Camp Navajo were combined into one hunt for both bull and antlerless. The Unit 12A and 12B limited opportunity hunts were eliminated in lieu of population management hunts. A limited opportunity hunt was added in Unit 24A.

Motion: Melton moved and Gilstrap seconded THAT THE COMMISSION ADOPT COMMISSION ORDER 4, ELK, AS PRESENTED.

Public comment

Danny Dobbs, representing self, addressed statistics for 2002 bull elk. He asked the Commission to consider extending the length of the season because of the difficulty with blackpowder.

Vote: Unanimous

Ms. Supplee felt the Department could accommodate Mr. Dobbs' request this year for Unit 6A muzzleloader for bull or antlerless, to make it a six-day season.

Motion: Melton moved and Gilstrap seconded THAT THE COMMISSION RECONSIDER COMMISSION ORDER 4.

Vote: Unanimous

Ms. Supplee clarified the amendment would effect the November 7, currently November 11, Unit 6A bull hunt and the same days for Unit 6A antlerless. The Department recommended these two would be six days seasons like the rest. Season dates for both would be November 7-12; a day would be added to each hunt.

Motion: Golightly moved and Melton seconded THAT THE COMMISSION ADOPT COMMISSION ORDER 4, AS AMENDED.

Vote: Unanimous

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Commission Order 5: Turkey

The fall general turkey season was recommended for a total of 4,260 permits, a decrease from last year. A total of 125 juniors-only season turkey permits were recommended with the same season dates as the general fall season with the exception of Unit 23, which will have a date-separated junior season. No other units were recommended for a separate fall junior season date because of overlaps with other hunts. Unit 7 was recommended for closure for the fall.

Archery season dates in Units 12A and 13A will be September 5-18. In Unit 27, the dates were changed to August 22-28 to coincide with the archery deer seasons in these units.

Spring turkey season dates and permit levels will be considered at the August Commission meeting.

Motion: Chilton moved and Gilstrap seconded THAT THE COMMISSION ADOPT COMMISSION ORDER 5, TURKEY, AS RECOMMENDED.

Vote: Unanimous

Ms. Supplee noted yesterday the Commission took action to close additional areas to all hunting (see pages 13-14) within Unit 39M. It was unclear as to whether or not it was closed to archery opportunity. The Commission may want to close the area to archery; this would require returning to Commission Order 2. Ms. Supplee recommended the Department be given the opportunity to talk it through and if the Order needed to be reopened for this note, the Commission would be advised later. The Commission agreed.

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Commission Order 6: Javelina

Season dates and permit levels will be recommended at the August Commission meeting.

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Commission Order 7: Bighorn Sheep

Bighorn sheep permits were recommended for a total of 97, a reduction from last year. The hunt in Unit 28 was recommended for closure.

Motion: Melton moved and Gilstrap seconded THAT THE COMMISSION ADOPT COMMISSION ORDER 7, BIGHORN SHEEP, AS PRESENTED.

Public comment

Pete Cimellaro, representing self, stated he supported the Department's recommendation for bighorn sheep. He spoke regarding predation. The Unit 28 closure was unfortunate, but there has been a downward trend in that unit for some time. When this occurs, conservative management must occur. A procedure should exist several years in advance that identifies the problem and elevates it to the Game Branch and supporting organizations so that it can be investigated. The Unit 22 project has demonstrated there is a significant lion predation problem. He urged the Department to institute a procedure

that would allow identification of a unit before it is closed, or more importantly, before the bighorn population drops to such a level that it hardly can come back. Predator management might have to enter the picture.

Bill Keebler, representing the Arizona Desert Bighorn Sheep Society (ADBSS), referenced the closure in Unit 28. Large mature rams have been taken in the unit. The concern is that the ADBSS paid for aerial surveys of the area out of tag fund monies the past four or five years. He was not sure this could continue. He thought the Department could consider having one year on and one year off for permits in the area. It is a closure that will require a large expenditure of aerial survey to get the tag back. The ADBSS supported the closure on the basis there would be a tag for Unit 28 next year. Mr. Heffelfinger added further that Mr. Keebler was correct. Survey numbers have been consistent between 14-22 sheep seen on 4-5 hours of helicopter time. He would be comfortable in offering a tag next year based on the survey trend. No Class IV rams were seen last year.

Vote: Unanimous

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Commission Order 8: Buffalo

A total of 44 permits was recommended for the fall seasons. The hunt in Units 12A and 12B (House Rock) will be offered as two 10-day seasons (Sept. 19-Oct.5 and Oct.10-26). Two any buffalo and 10 cow-yearling permits were recommended for each set of hunt dates. The recommendation deletes the December split season for hunters to return. All hunters experienced zero success and saw no buffalo during those dates this past year. A statement will be added to the hunting regulations informing hunters that a large percentage of the buffalo population in 12A and 12B may be in the Grand Canyon National Park, which is closed to hunting. Additional hunting opportunity directed at achieving population objectives for this herd will be offered through population management hunts.

The Raymond Ranch buffalo hunt will be for 20 adult cow permits. There will be five 4-day hunts with 4 permits each beginning September 26 and ending December 15. Population management hunts for buffalo as recommended in Commission Order 26 will be used to remove transient bulls that leave Raymond Ranch Wildlife Area. Population Management hunts were also recommended for the 12A and 12B House Rock Wildlife Area buffalo herd. These permits will be offered mainly for cows and yearlings when field biologists determine there is a reasonable chance of hunter success.

Ms. Supplee referenced a special note for House Rock. It will be permanent in the regulations for buffalo. "During the fall-spring hunts at the House Rock Wildlife Area (HRWA) significant portions of the herd has, in the past, moved to the Grand Canyon National Park where hunting is not allowed. Hunters are advised that if this occurs, their ability to successfully harvest a buffalo may be significantly impacted. As with any hunt circumstances beyond the control of the Arizona Game and Fish Department may prevent the permit holder from being successful. The Arizona Game and Fish Department and Commission disclaim any responsibility to reissue or replace a permit, to reinstate bonus points, to refund any fees or to provide any other form of relief."

Motion: Melton moved and Gilstrap seconded THAT THE COMMISSION CERTIFY COMMISSION ORDER 8, BUFFALO, WITH THE NOTE AS READ INTO THE RECORD.

Vote: Unanimous

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Commission Order 9: Bear

Unit 19A was recommended to have dates that coincide with neighboring Unit 21. The sow harvest objective was recommended to be reduced in Unit 3C from 5 to 3 and in Unit 1 from 6 to 5. It was recommended to combine Unit 9 with Unit 7. The harvest objective for the combined hunt will be one sow.

One of the things being added this year to gather data for this species is that hunters will be required to submit a tooth to age the animals. The Department can now genetically affirm the gender of the animal with the tooth. This same information can be derived for mountain lions that will start requiring submission of a tooth from hunters.

Motion: Gilstrap moved and Golightly seconded THAT THE COMMISSION CERTIFY COMMISSION ORDER 9, BLACK BEAR, AS PRESENTED.

Vote: Unanimous

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Commission Order 10: Mountain Lion

The Department recommended adding Units 21S, 28S, and 37B North to the multiple bag limit harvest strategy and associated harvest objective. The purpose of the recommendation was to encourage mountain lion harvest in that portion of Unit 21 that supports a declining pronghorn population where lion predation of adult pronghorns has been consistently documented; in that portion of Unit 28 that supports a declining desert bighorn sheep population, where predation by lions has also been documented; in that portion of Unit 37B that is planned for desert bighorn sheep reintroduction in the near future. If the harvest objective is met in these units, the unit would remain open at the bag limit of one mountain lion per calendar year. The Department also recommended Units 13A and 13B should revert to the statewide bag if the harvest objective is met in those units.

Because of Commission action taken yesterday, a note will be added that will complement closures in Cave Creek and this will affect the archery only mountain lion hunt in Unit 39M. The note will read, "Hunting is not permitted in Unit 39M in the following described area: an unincorporated portion of land within the City of Mesa known as the Elliott and Hawes County Island in Section 16, Township 1 South, Range 7 East."

Motion: Melton moved and Chilton seconded THAT THE COMMISSION ADOPT COMMISSION ORDER 10, MOUNTAIN LION, AS AMENDED.

Public comment

Halina Szyposzynski, representing self, opposed harvest of mountain lions in Unit 22 since there was the continued take of a bighorn ram in the unit while mountain lions were killed. This sends a confusing message to the public. Also, 318 lions were harvested from the unit when the strategic plan objective for harvest was 300. Ms. Supplee stated the strategic plan objectives are based on previous year information. Mountain lion strategic plan objectives for harvest have been exceeded. The fact that the populations continue not to decline would put forth a theory that mountain lions are maintaining themselves very well and are capable of replacing themselves even with this harvest removal.

Stephanie Nichols-Young, representing the Animal Defense League of Arizona (ADLA), expressed concerned with the predator management policies of the Department and the Commission. Predators are an important part of a healthy ecosystem. populations will be kept down more by having other predators rather than what people can do. The ADLA was concerned with the procedures the Department uses in the hunt guidelines, especially related to mountain lions. These recommendations were different than the ones she received several months ago. There should be more time for members of the public to review and comment. The ADLA was concerned that the hunt season was year long and female lions and their young were subject to hunting. She suggested a split hunt season of January-March and November-December. The ADLA was concerned there was no inspection of a carcass for successful hunters. The Department was relying on someone who does not have the expertise to supply the data. A study should be initiated to check hunter compliance with the call-in system. There seemed to be a dual program. In some of the units, once the harvest objective is reached, the hunter has to call in and the next Wednesday the hunt is closed. The ADLA suggested this be a 24-hour period and had concerns with notes 2 and 3 in the Order. The ADLA was especially concerned with note 2. It cannot be scientifically justified once the harvest objective was reached, instead of closing the unit, to have it stay open for the entire year for one mountain lion per hunter bag limit. There could be a huge number exceeding the hunting objective. The ADLA was concerned about the population estimates; there was no good base population estimate. She suggested the Department adopt a comprehensive lion management plan. Information should be made available to the public for comment.

Commissioner Chilton stated predator species needed to be managed to be kept in balance with the prey available. Hunters at the public hunt meeting in Sahuarita stated they have never before seen so many lions in Units 36A, B and C, both in day time and night time. She referenced a 19-page letter dated April 11, 2003, from The Fund for Animals that the Commission received just this morning. Chairman Carter asked Mr. Odenkirk how the Commission should handle the letter. Mr. Odenkirk stated the regulations require anyone who wants to comment may do so up until the time of the meeting. He reviewed the letter; not all of what is in it is part of Commission action today. The Commission was only considering opening and closing seasons, establishing bag and possession limits. With respect to recommendations in the document that relate to the Order, the last speaker already addressed those issues. The document was entered into the record. Chairman Carter acknowledged receipt of the 19-page document from The Fund for Animals.

Ms. Supplee responded to the elements that dealt with the Order itself. One of those was for a seven-month closure for mountain lions. At one point for a number of years the Department did have a six-month season for lions and a six-month pursuit only. The Department concluded there could be a yearlong season without adverse effect to the lion populations. Mountain lions can have young any time of the year and it doesn't lend itself as a species to specific months to be closed. She noted a number of neighboring states have a restriction against hunting female lions with kittens. Arizona does have a restriction in Commission Order 9 (sows with cubs). This is something that would be within the purview of the Commission to consider in Commission Order 10. Units that would have a closure to the hunt in total are those in the southwest deserts (16B, 40B, 41, 43A & B and 44 B). Since these units have a one lion harvest objective because of low lion densities, there has been no reported harvest of mountain lions in all of the years. Ms. Supplee also noted the reporting time for lions is 10 days; it is 48 hours for black bear. This is certified in Commission Rule and would require a rule action to change.

Motion: Melton moved and Gilstrap seconded THAT THE COMMISSION CERTIFY COMMISSION ORDER 10 AND ADOPT AS AMENDED FOR MOUNTAIN LION.

Vote: Unanimous

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Ms. Supplee noted the same amendment should have been done for Commission Order 2 in reference to 39M.

Motion: Melton moved and Gilstrap seconded THAT COMMISSION ORDER 2 BE REOPENED.

Vote: Unanimous

Motion: Gilstrap moved and Chilton seconded THAT COMMISSION ORDER 2, DEER. BE AMENDED TO INCLUDE A NOTE FOR THE ARCHERY DEER HUNT IN UNIT 39M, WHICH WILL READ AS FOLLOWS: HUNTING IS NOT PERMITTED IN UNIT 39M IN THE FOLLOWING DESCRIBED AREA: AN UNINCORPORATED PORTION OF LAND WITHIN THE CITY OF MESA KNOWN AS THE ELLIOTT AND HAWES COUNTY ISLAND IN SECTION 16, TOWNSHIP 1 SOUTH, RANGE 7 EAST.

Vote: Unanimous

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Meeting recessed at 11:46 a.m.
Meeting reconvened 12:00 noon
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2. Hearing on Proposed Commission Orders 11-18 for 2003-2004 Hunting Season

Presenter: Vashti C. Supplee, Game Branch Chief

Commission Order 16: Quail

There were no changes recommended from last year.

On October 21-22, 2002, the Department held a symposium to discuss issues regarding quail in the state. By conducting the symposium, the Department hoped to:

- 1. Evaluate current management of quail in the state
- 2. Educate ourselves and our constituency groups to the current state of the art in quail management
- 3. Provide hunter and conservation groups a voice in any management change

Action items from the quail symposium being pursued by the Department include:

- 1. Examine the change in quail-hunter demographics during the last 50 years and evaluate how that change may have affected quail hunting.
- 2. Re-evaluate the species management guidelines for scaled quail and Gambel's quail.
- 3. Finalize Mearns' quail management guidelines and provide an operational plan that can be used by land management agencies to improve management of Mearns' quail habitat.
- 4. Explore a linkage between declining grassland quail habitat and declining grassland bird habitat with the Sonoran Joint Venture. Declining desert-grassland habitat was a major concern with participants.
- 5. Improve current small game questionnaire data by calculating confidence intervals from responses received. Data from the small game questionnaire is often criticized as inadequate. Calculating confidence intervals is simple and will provide a meaningful gauge to the precision of these data.

Items 1-4 were in progress; item 5 has been completed.

For additional information, see pages 15-17 of these minutes.

Ms. Supplee gave a history of quail management in the state.

An amendment in the Order was to be made regarding 39M. The Department recommended that Commission Order 16, Quail, be amended to read, Hunting is not permitted in Unit 39M in the following described area: an unincorporated portion of land within the City of Mesa known as the Elliott and Hawes County Island in Section 16, Township 1 South, Range 7 East.

Public comment

Linda Pfister, representing the Arizona Quail Alliance (AQA), gave a Powerpoint presentation. She noted the AQA has been doing field surveys for quail for two years. An overview was presented of what was collected for data. Surveys and wing studies show: 1) lowering the limit does not lessen the number of hunters; 2) there has been a large increase in the number of Mearns' quail hunters over the last four years and 3) there has been an increase in nonresident hunters.

David Gowdey, representing self, was appreciative and supportive of the recent efforts by the Department on quail. In northern Arizona he was seeing a greater concentration of hunters in a smaller area but many people have given up the sport because Gambel's have ceased to exist in northern Arizona. Limits for quail should be set based on biology and

science and not social pressure. Grassland habitats, in particular, needed to be looked at to bring back quail. Playing with limits is considered to be social policy; this could result in no hunting at all. Chairman Carter stated it was not the Commission's or Department's intent to move to a social decision with respect to wildlife management; however, as populations grow in the Southwest, there is a need to include a social dimension in the overall process. If we don't give consideration to that, people will be making decisions on wildlife management that may not be in the best interests of sportsmen.

John Levy, representing self, stated there were different things that affect Gambel's populations. One of them was drought; another was habitat. Gambel's populations were only a fraction of what they used to be. The Department can only deal with bag limits and seasons.

Gary Sanders, representing self, noted there were fewer hunters in the state than bird watchers. The quail numbers were low.

Mike Rabe, Small Game Biologist, stated this was atypical year. He agreed with Mr. Levy that probably the Gambel's quail estimate the Department has had for the past year was probably biased somewhat high.

Troy Hawks, representing Western Gamebird Alliance (WGA), stated the Arizona's Mearns' quail study was not in vain and information was going to be used by New Mexico. In speaking for himself, he was frustrated that he had to come to the meeting and support the Department's recommendation. The sound doctrine is science and biology and should be used to base decisions for wildlife.

Dr. Tad Pfister, representing the Arizona Quail Alliance, stated the drought has greatly reduced quail species in the state and there was great concern with breeding populations of quail. The Department reported the second lowest desert quail harvest in 40 years. Some of the issues were examined facing Mearns' as a result of such low numbers. Hunting pressure has increased significantly on Mearns' for the last four years. The main winter food source for Mearns' has been depleted as a result of the drought. This could affect the number of carryover birds available for breeding. He asked the Commission to consider a social change that would make a difference in increasing breeding populations of all quail species. He asked the Commission to lowering the limit and shortening the season to January 31, 2004.

Dave Lukens, representing the Western Gamebird Alliance (WGA), asked the Commission to approve the Order without amendment. Better survey data is needed and should be time based and contain a geographical component. He did not think quail were being over harvested.

Commissioner Chilton asked how the use of an eight bird bag limit now work with having something to compare. Ms. Supplee stated the Department has a 15 bird bag/30 possession limit. There were four years of data for 8 bird bag/16 bird possession. This year, it was a 10 bird bag/30 bird possession, and there is only one year's data with that particular structure. The more years we have where the hunt structure is left alone so they are comparable, the better. Those would be the three choices before the Commission could consider in the Mearns' package. The Department recommended the 10/30. Mike Rabe presented additional information. In 1971 and 1972, there was a 10

bird limit for Mearns' with 20 in possession. One more year's data the way it is for bag would give four years with 10, which would be identical to four years with eight. The only variation would be the possession number.

Commissioner Golightly asked if the quail Order could be done later in the year when there was more data related to precipitation earlier in the year. Ms. Supplee noted the quail Order has been published and available simultaneously with the deer Order as far back as could be researched. He asked if there was any biological reason why the season and bag limit were set in April. Ms. Supplee stated there was no biological reason to make it other than April. One thing that was researched was the relationship of the quail call count data with October through March previous winter precipitation. There is a very strong relationship between those two pieces of information. For Gambel's, precipitation data could be used as an index along with the current year harvest in setting the quail Order. For Mearns' quail, the factors that influence the hatch occur later; the only information that is indicative of relative densities is fall flush counts. What may be of more value is to try to Geographic Information System index the quail distribution today as compared to the 1950s. Ms. Supplee noted it would be possible to publish the quail regulations in a separate bird booklet. Department staff would have to weigh the pros and cons of doing so.

Commissioner Golightly stated he asked the Department to look into an Adaptive Management Program. Ms. Supplee stated it was problematic in that quail harvest is regressive; generally speaking, when quail numbers are down, quail hunt effort is down. Doctors Guthery and Peterson will be using mathematical hypotheses in their study to test some assumptions and come up with other scenarios. Part of the study would be to get hunter opinion of some ideas that might make a difference.

Motion: Melton moved and Gilstrap seconded THAT THE COMMISSION ADOPT COMMISSION ORDER 16, QUAIL, AS AMENDED WITH THE NOTE FOR MANAGEMENT UNIT 39M AND AS RECOMMENDED.

Vote: Unanimous

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3. Call to the Public

Scott Hegs, representing the Southeastern Arizona Sportsman's Club, stated the new club was formed in the Duncan-Thatcher-Morenci-Safford area. So far there were 42 members and he hoped to see the number double soon. The club would focus on education, youth and family oriented-programs and habitat improvement. He looked forward to establishing a Habitat Partnership Committee in the area.

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Meeting recessed at 1:25 p.m. Meeting reconvened 1:35 p.m.

Commissioner Chilton left the meeting.

2. Hearing on Proposed Commission Orders 11-18 for 2003-2004 Hunting Season

The remaining Orders were presented.

Public comment

Stephanie Nichols-Young, representing the Animal Defense League of Arizona (ADLA), referenced Commission Orders 13 and 14. With regard to furbearers, predators were an important part of an ecosystem. She hoped that their impacts on the habitat would be considered. She was also concerned about Arizona's Gunnison's prairie dog population. She understood 71,000 were killed last year by hunting; the Gunnison's were also facing pressures from development. She suggested closing some areas to hunting, especially on Anderson Mesa. Prairie dogs were a keystone species.

Halina Szyposzynski, representing self, requested the Commission to reevaluate the appropriateness of hunting Gunnison's prairie dogs. She requested the Commission and Department move its philosophy and policies away from viewing predators and small mammals primarily as objects to be eliminated as enemies of other wildlife or for recreation. Predators should be recognized for their value in a balanced wildlife ecosystem.

Blaine Bickford, President of the White Mountain Rod and Gun Club, supported the Department in an aggressive predator management program. Predators were no different than any other species and they should be managed.

Ms. Supplee spoke regarding Commission Order 13. The Department did have a science-based management program for predators. The Department was trying to promote directed harvest and has used assistance by the predator-calling community in benefiting pronghorn fawns. There is scientific literature that demonstrates seasonal harvest pressure on coyotes has no long-term effects on their populations. The Department was within its biological parameters in terms of harvest removal of all predator species. The season was shortened recently for Gunnison's prairie dog. These species respond to climatic conditions. She did not believe a harvest program was being promoted for the species that would jeopardize its continued existence.

Commission Order 11: Tree Squirrel

There were no changes recommended from last year except Units 12A and 13A had a date change to September 5-18 to coincide with the new archery deer dates for 2003.

Motion: Melton moved and Gilstrap seconded THAT THE COMMISSION CERTIFY COMMISSION ORDER 11, TREE SQUIRREL, AS RECOMMENDED.

Vote: Gilstrap, Melton, Golightly – Aye

Chair voted Aye Chilton – Absent Motion carried

Commission Order 12: Cottontail Rabbit

There were no changes recommended from last year.

Motion: Melton moved and Gilstrap seconded THAT THE COMMISSION CERTIFY COMMISSION ORDER 12, COTTONTAIL RABBIT, AS AMENDED TO INCLUDE THE UNIT 39M CLOSURE READ INTO THE RECORD PREVIOUSLY.

Vote: Gilstrap, Melton, Golightly – Aye

Chair voted Aye Chilton – Absent Motion carried

Commission Order 13: Predatory and Fur-bearing Mammals

There were no changes recommended from last year.

Motion: Golightly moved and Gilstrap seconded THAT COMMISSION ORDER 13, PREDATORY AND FUR-BEARING MAMMALS, BE APPROVED BY THE COMMISSION AS RECOMMENDED WITH THE AMENDMENT FOR THE CLOSURE FOR UNIT 39M AS WAS READ INTO THE RECORD PREVIOUSLY.

Vote: Gilstrap, Melton, Golightly – Aye

Chair voted Aye Chilton – Absent Motion carried

Commission Order 14: Other Birds and Mammals

There were no changes recommended from last year.

Motion: Gilstrap moved and Melton seconded THAT THE COMMISSION APPROVE COMMISSION ORDER 14, OTHER BIRDS AND MAMMALS, AS RECOMMENDED WITH THE AMENDMENT FOR THE CLOSURE FOR UNIT 39M AS READ INTO THE RECORD PREVIOUSLY.

Vote: Gilstrap, Melton, Golightly – Aye

Chair voted Aye Chilton – Absent Motion carried

Commission Order 15: Pheasant

There were no changes recommended from last year.

Motion: Gilstrap moved and Melton seconded THAT THE COMMISSION ADOPT COMMISSION ORDER 15, PHEASANT, AS RECOMMENDED

Vote: Gilstrap, Melton, Golightly – Aye

Chair voted Aye Chilton – Absent Motion carried

Commission Order 17: Chukar Partridge

There were no changes recommended from last year.

Motion: Melton moved and Gilstrap seconded THAT THE COMMISSION ADOPT COMMISSION ORDER 17, CHUKAR PARTRIDGE, AS RECOMMENDED.

Vote: Gilstrap, Melton, Golightly – Aye

Chair voted Aye Chilton – Absent Motion carried

Commission Order 18: Blue Grouse

There were no changes recommended from last year.

Motion: Gilstrap moved and Melton seconded THAT THE COMMISSION ADOPT COMMISSION ORDER 18, BLUE GROUSE, AS PRESENTED AND RECOMMENDED.

Vote: Gilstrap, Melton, Golightly – Aye

Chair voted Aye Chilton – Absent Motion carried

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3. Call to the Public

Pete Cimellaro, representing self, advocated predator management, as it related to other species and managing predators themselves. There should be a management plan and program that is not just a "shoot" program. No hunters advocated a complete removal program. The Department was being responsive to current conditions and needs of wildlife. The Department currently manages prey species; the same should be done with predatory species. Wherever possible, the Commission and Department should dispel the myths created by some organizations that mountain lions or predators are endangered species. There was no intent by wildlife management agencies or hunters to make that happen. Hunters care about predators.

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4. Request to Adopt Commission Order 23: Trapping, for the 2003-2004 Season

Presenter: Vashti C. Supplee, Game Branch Chief

As part of an improvement in the hunt recommendation package, the trapping regulations and season (Commission Order 23) will now be approved at the April Commission meeting and included in the 2003-04 hunt regulations booklet.

The Department proposed no changes in season dates, legal species, bag and possession limits.

Motion: Gilstrap moved and Melton seconded THAT THE COMMISSION VOTE TO APPROVE COMMISSION ORDER 23, TRAPPING, AS PRESENTED.

Vote: Gilstrap, Melton, Golightly – Aye

Chair voted Aye Chilton – Absent Motion carried

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6. Future Agenda Items

Commissioner Gilstrap mentioned the Shooting Sports Foundation has a Scholastic Clay Targets Program. It's an opportunity for young people to learn safe gun handling and have the opportunity to learn or develop competitive shooting. He would like to pursue this opportunity by having a representative from the Shooting Sports Foundation make a presentation when convenient.

Commissioner Melton would like the Department to investigate the use of suppressors for guns. These suppressors could be used to alleviate some of the noise issues on shooting ranges.

Deputy Director Ferrell gave a recap from previous discussions during the past two days regarding Commission direction to the Department and future agenda items.

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Meeting adjourned 2:05 p.m.

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